

Docket No.: JAEC-10213
Application No.: 10/810,478
Amendment Date: May 26, 2006
Reply of Office Action of: March 8, 2006

REMARKS

Claims 15-21, 27-28, and 30 are currently pending in the application. Applicants have canceled claims 22-26, 29, and 31-43, and amended claims 15, 17, and 20. Applicants request reconsideration of the application in light of the following remarks.

Request to Admit the Amendment

Applicant believes that the foregoing amendment [complies with the Examiner's requirement of form and further believes that this amendment] presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claim(s) 15-21, 27-28, and 30, and provides the necessary recitation of relationships between the claimed elements to define over the prior art. The amendment was not previously presented as it was clear that the additional recitation was needed to more explicitly define the relationships. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

Telephone Interview

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on May 5, 2006. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that this amendment and the comments below reflect the spirit of the interview. In particular, Applicant has complied with the Examiner's suggestion by relating structural aspects of the body receiver to directional/positional details of the vehicle body in independent claim 15. Thus, claim 15 now explicitly defines over the art relied upon by the Examiner, and all the other remaining

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claims depend from claim 15. Therefore, the claims are now considered to be allowable and an indication of the same is earnestly solicited.

Applicant has included herewith the artifact included as Exhibit A in an appendix per the request by the Examiner. The document of Exhibit A corresponds to the non-patent literature included in the IDS filed with the original application. The Examiner indicated that the copy in his possession is a scanned copy, and requested a copy with this response. As discussed in the interview Applicant does not consider this document to be prior art relative to his invention. Applicant can provide evidence that he conceived of the present invention prior to any dates on the document. Furthermore, Applicant believes that the structures shown in the document lack currently claimed elements.

Indication of Condition for Allowance

Applicant wishes to thank the Examiner for the indication of condition for allowance for the above referenced application pending resolution of a few formalities with regard to recitation of structure that is clearly different from that of the prior art relied upon by the Examiner. Applicant believes that the present amendment clearly satisfies the Examiner's requirement of explicit relational details relative to directional/positional aspects of the vehicle body, and that all other formal matters have been resolved. Thus, it is believed that the application is in condition for allowance, and Applicant respectfully requests the same.

Rejections under 35 U.S.C. §112

Claims 20-21, and 29 stand rejected by the Examiner under 35 U.S.C. 112. In accordance with this rejection, the claims have been amended to comply with the Examiner's suggestions to cancel the matter was causing the indefiniteness. Thus, Applicant has deleted the portion of claim 20 that was unclear to the Examiner, and canceled claim 29 altogether.

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Therefore, claim 20-21 and 29 now definitely conform with Section 112. Applicants respectfully request that the rejection of claims 20-21 and 29 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 15-21 and 27-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harris et al. (U.S. Patent No. 6,170,896, hereinafter "Harris"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Harris is relied upon as having a body receiver (hole 44). In accordance with the discussion in the telephone interview with the Examiner, the Examiner holds that a longitudinal aspect of the hole 44 could have been taken to be transverse, for example, to a direction of insertion of element 38 of Harris. The claim has been amended to more explicitly interrelate the lengthwise orientation of the body receiver as being transverse to a direction of travel of the vehicle.

In particular, claim 15 has now been amended to make clear that the body receiver includes structure that forms the body receiver and defines a length and a width of the body receiver, that the length of the body receiver is greater than the width of the body receiver, and that the length of the body receiver extends transverse to the direction of travel of the vehicle body. This relationship is achieved, at least in part, by defining the direction of travel as being aligned with the front to rear aspect of the vehicle body, and by defining the transverse direction as being in a lateral (or side to side) direction that is transverse to the direction of travel of the vehicle.

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Furthermore, claim 15 also recites that “said body receiver opens out through a side wall of the vehicle body”, which would not be possible if the lengthwise aspect or depth dimension of the body receiver of the present invention were aligned with the direction of travel of the vehicle. Therefore, claim 15 explicitly defines over Harris.

Claims 16-21 and 27-28 are considered to be patentable as depending from an allowable base claim 15 and as including further patentable features as may be appreciated by the Examiner.

Claims 15, 17 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 6,199,894, hereinafter “Anderson”). Applicant respectfully traverses this rejection and request reconsideration of the claims.

Anderson is relied upon as having a receiver that apparently includes an inside portion of C-channel 41 and laterally extending through hole 58. The only lengthwise aspect of this combination of elements extends in the direction of travel of the truck of Figure 1 of Anderson. Hence, the recitation added to claim 15 that explicitly recites the length of the body receiver as being transverse to the direction of travel is considered to define over the reference to Anderson for reasons similar to those set forth above in the remarks regarding the reference to Harris.

That is, claim 15 has been amended to more explicitly interrelate the lengthwise orientation of the body receiver as being transverse to a direction of travel of the vehicle.

Furthermore, claim 15 also recites that “said body receiver opens out through a side wall of the vehicle body”, which would not be possible if the lengthwise aspect or depth dimension of the body receiver of the present invention were aligned with the direction of travel of the vehicle. Therefore, claim 15 explicitly defines over Anderson.

Claim 17 is considered to be patentable as depending from an allowable base claim and as including further patentable features as may be appreciated by the Examiner.

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Claim 30 is considered to be patentable as depending from an allowable base claim and as including further patentable features as may be appreciated by the Examiner.

Applicants respectfully request that the anticipation rejections of claims 15-21, 27-28 and 30 be withdrawn.

Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claims 15-21, 27-28, and 30 over the prior art relied upon if the claims could be amended to explicitly interrelate the directional/positional aspects of the body receiver to the vehicle body in a manner that clearly defines over the prior art references relied upon. Applicant wishes to thank the Examiner for this indication of allowable subject matter.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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CONCLUSION

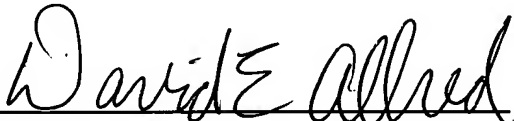
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added no new claims, resulting in no fees due.

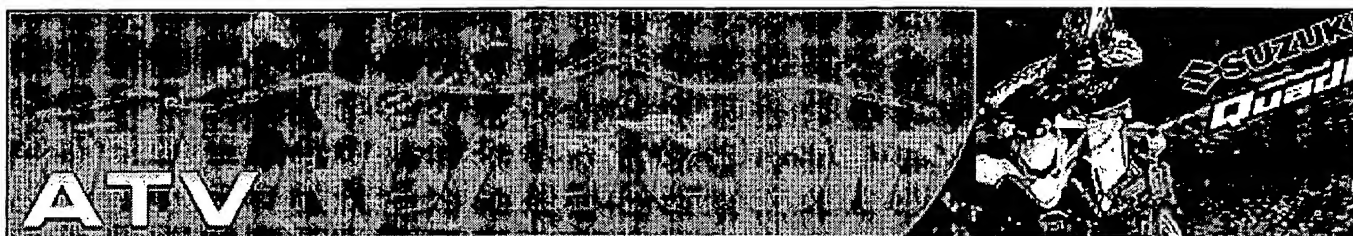
If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: May 26, 2006

By 
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YOU



Tested: 2003 Arctic Cat MRP

Camping with the MultiRack Platform

Photos and story by Dean Waters

• August 2003

With camping season in full swing, we thought it the perfect opportunity to test the **Arctic Cat Multi-Rack Platform**, also known as "MRP." The MRP system is available on the 650, 500, 400, 300, TBX, and TRV models.

ARCTIC CAT

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Just what is the MultiRack Platform? In very simple terms it is a miniature receiver system built into the rack of the ATV. Just like your 2" receiver on your truck only smaller - about 1/2" across - and with small removeable pins that holds the pieces together. To make sure it doesn't rattle, a hard plastic insert resides in each receiver tube. Into that miniature receiver system you can plug in a whole host of accessories to customize your rack. For 2004 there will xxx different accessories available.

To test the MRP system, we obtained the complete camping package on an Arctic Cat Automatic 400 4x4 MRP, and took off for the mountains.



Camping Package

Just what is the camping package? The 2004 camping package is made up of nine individual MRP accessories. *(We had the 2003 package, which includes the fender box instead of the 11" x 17" carry all and which has the permanent mount for the Cargo Box instead of the new Quick Release Kit.)*

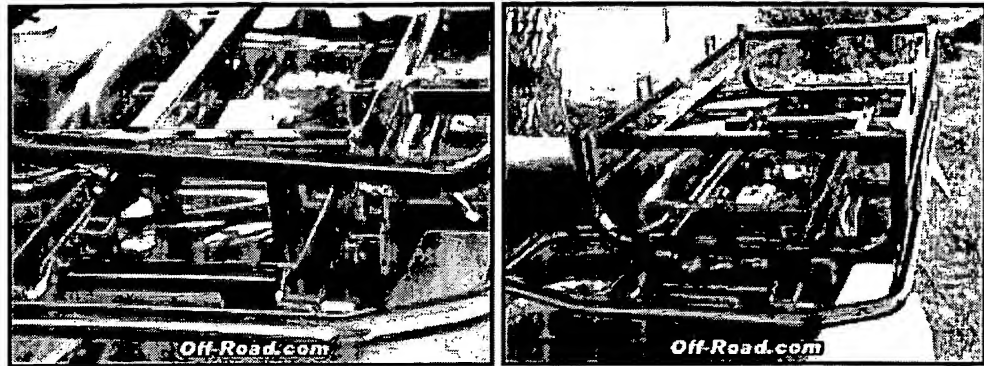
<ul style="list-style-type: none"> • Front Cargo Box - \$199.95 • Cargo Box QR Kit - \$39.95 • Camp Stove Cradle - \$49.95 • Chain Saw Lock - \$89.95 • Expansion Table - \$139.95 	<ul style="list-style-type: none"> • Gear Cradle - \$39.95 • 11 x 17 Carry all - \$49.95 • Bucket holder - \$39.95 • 14 x 25 Carryall - \$59.95
2004 MSRP on Complete Camping package = \$629.55	



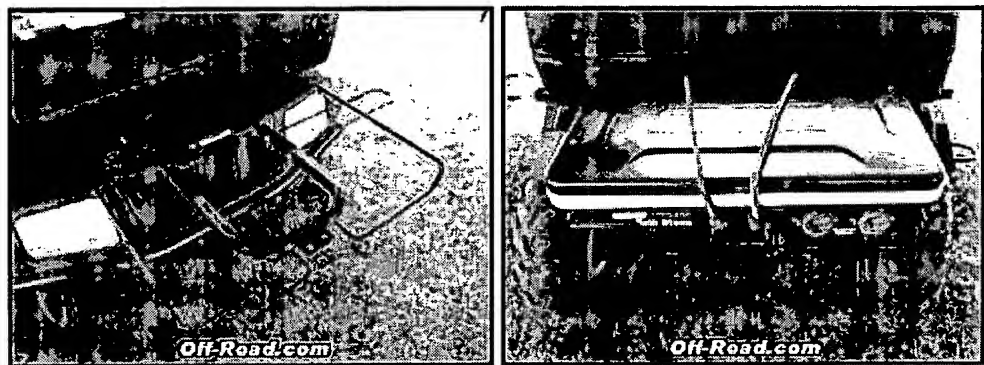
We found the front cargo box to be very useful. It's very deep, and the molded plastic compartments allows you to separate smaller items or gear. One unique feature is that it can be hinged in either direction. Simply place the hinge pins on the side you want. You can even remove the top entirely. It has built-in drink holders on the top, for your trailside breaks or use as a table at camp.

The box measures 33" x 18" x 9". New for 2004 is a Quick Release kit for the cargo box. You lose some visibility over the front of the ATV with the box installed, but we found that we got accustomed to it very quickly and just looked farther down the trail

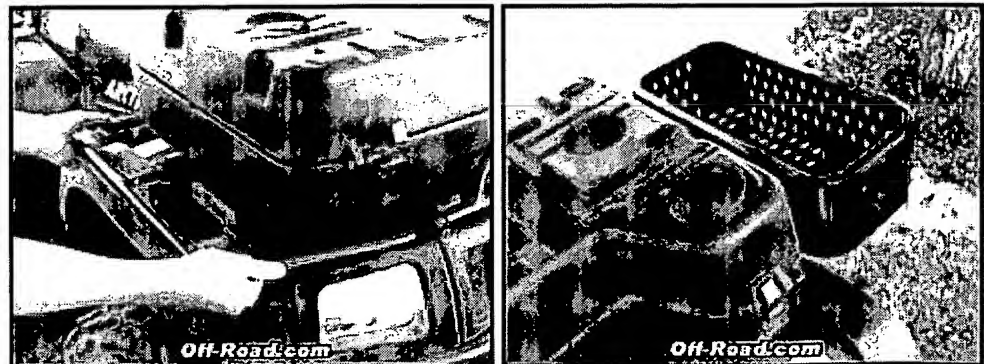
to spot obstacles.



In the back we installed the 14" x 25" carry all. This fits down into four small receivers and is pinned in place. With four pins, this one was a little bit harder to install and remove than some of the other accessories. We sometimes had to tap one or two of the pins out. We found a couple of our 48 qt coolers that fit but our favorite Coleman steel-sided cooler would not quite fit. There are two tie down spots on each side that should hold most anything you want to carry in the carry all.

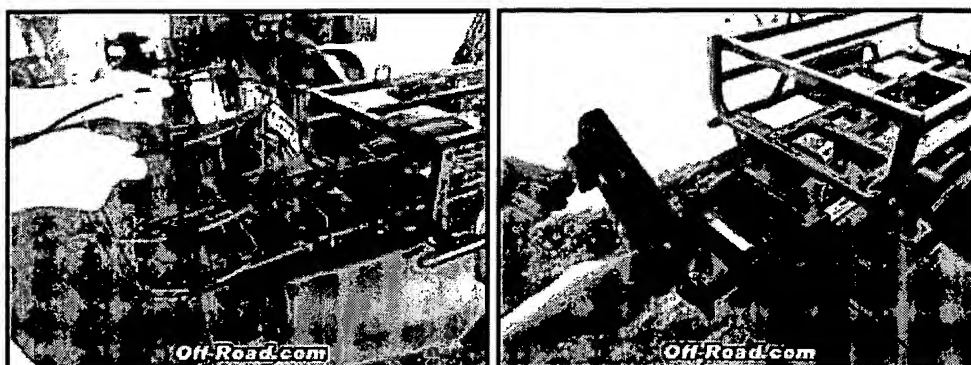


In front of the cargo box we removed the front section of the rack and then installed the camp stove cradle. The cradle is made to fit the Coleman 92210-570 series grills. The stove fit and tied down securely with one bungee. It was definitely convenient for cooking. If you've ever grilled on the ground outside your tent, you appreciate getting food up off "bug level." We were a little hesitant to hit the trail too hard with the grill hanging out there - would be best to get to camp and unload it then go for your adventuring, or let others lead the way to clear the trail.

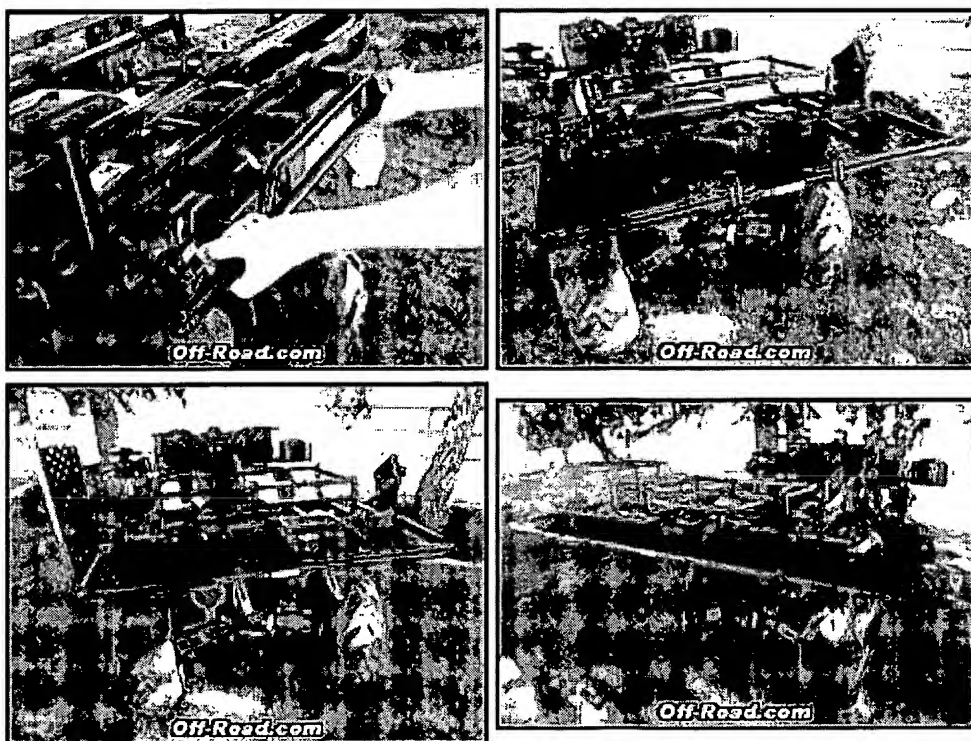


Now you can remove each side piece on the front rack. On one side we installed the

fenderbox and on the other side we installed the cradle for a collapsable camp chair. Each attached with two pins. We were able to fit our Coleman Exponent sleeping bag and Coleman Exponent tent into the fender box. We found the fender box to be extremely handy when we wanted to carry tools or smaller items around the farm, for quick access without messing with tiedowns or storage bins. However, when camping, you need to be aware of the width of the trail when you start adding the side accessories. The fender box and cradle added a good 6-8" on each side of the ATV. If you have to travel through a tight wooded trail to your campsite then you may run into some problems.



Remove the sides of the rear rack and you are able to install the saw lock and the bucket/jug holder. For camping we placed a large Coleman water jug in the bucket holder. Around the farm it works very nicely for buckets to carry just about anything. The Chain Saw lock was just the ticket for our trip because there were still a lot of downed trees across the trail, so not only did it get used for firewood but we also used it to make sure we could get to our camping spot in the first place. There are a couple different ways the saw holder can go together so that it fits closer to the ATV and does not stick out too far. Similar to the front accessories, the bucket holder adds quite a bit of width to your ATV.



Last but not least was the expansion table. The back comes off the MRP rack then the expansion table slides right in. With the table folded up we were able to stack and tie down extra camping equipment on top of the table. The ends do not stick out past the sides when folded, so trees are not much of a problem there. Unfolded the table gives you lots of room to work on when preparing meals. We really like the expansion table.

About the Arctic Cat Automatic 400 4x4

Despite the cool tools we loaded it down with, we were disappointed with the power output on the 400 Automatic. We understand it gets better after break-in and ours did seem to be doing better after about 200 miles, but compared to other 400 class machines, this powerplant is disappointing. I think I would go with the manual shift if I was going to buy a 400, otherwise go for the 500 at least to begin with. That said, it did go everywhere we asked it to - even loaded down - just not very quickly.

While the "go" was lacking, getting there was extremely comfortable. The fully independent suspension works great and surprised several test riders that came off other makes or models. Clearance over obstacles was more than sufficient, a key factor to look for when selecting an ATV for wooded trail riding.

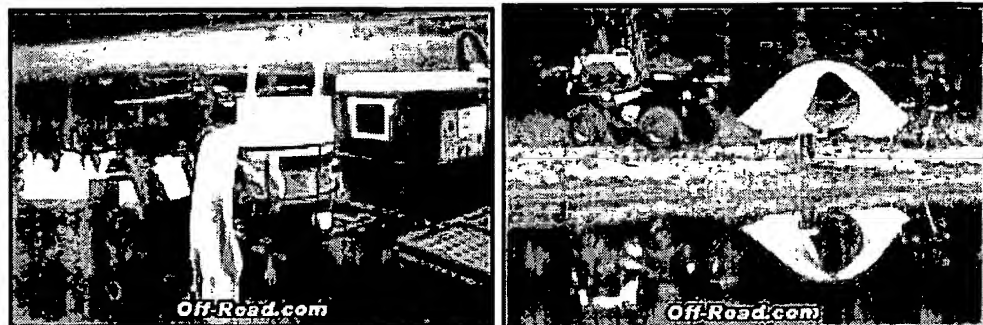
We weren't excited about the analog gauges but if you wait for a new 2004 model, you can get the digital gauges instead. Arctic Cat also has designed a very odd 4WD selector lever, which is engaged by pushing in a large flat lever with your foot - easy to engage with a simple stomp, but awkward to pull out to return to 2WD. It's purpose may be to force you to come to a complete stop when switching, and it does certainly do that.

Summary

We REALLY like the MRP system. The pins are sometimes a little tight to remove but the whole system is rattle-free and we believe it is better to be a little tight than rattling around as you go down the trail. Your racks will hold up better, and your gear will ride more securely. It is nice to have the MRP packages to show you what you can accomplish, but in general we think you may be better off to just choose the accessories that best fit your individual needs, and then put your own package together.

We are so sold on the idea and the design, I am not sure why anyone would buy a new Arctic Cat and NOT buy the MRP option.

MRP system Photo Gallery HERE



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• **Contact Information**

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To see this unit or other Arctic Cat products in action, visit:

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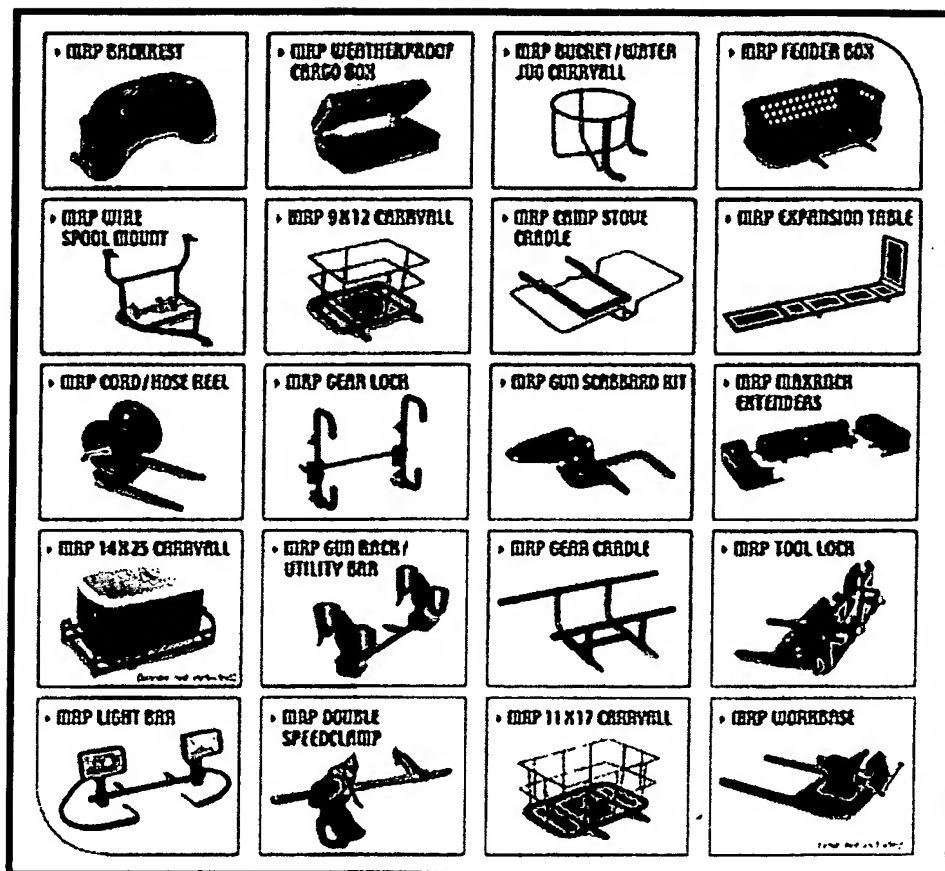
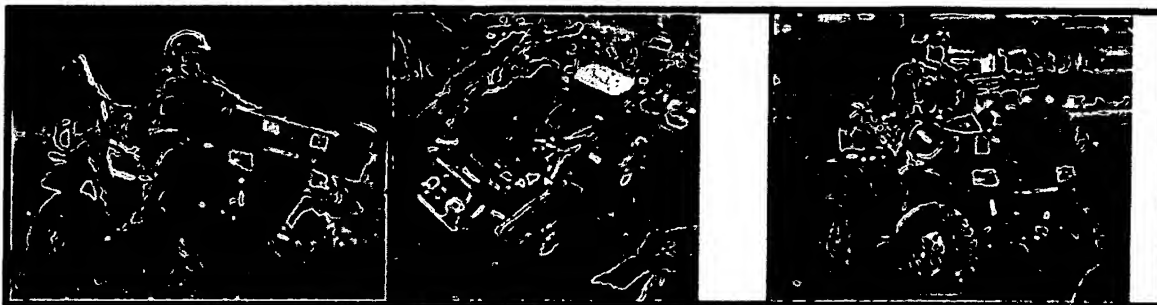
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Arctic Cat's New Multi-Rack Platform ATVs

500 4x4 Automatic MRP, 400 4x4 Automatic MRP

Arctic Cat's new MRP models are engineered with innovative open-channel racks both front and rear. A wide assortment of slide in accessory racks and specialty items are available that attach securely into the channeled racks with just a pin. Arctic Cat's industry first MRP offers you an exciting new way to own an ATV.



T 660 Turbo Touring